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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,767	02/09/2005	Josef Laumen	112740-1048	2866

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EXAMINER	
PATEL, ASHOKKUMAR B	
ART UNIT	PAPER NUMBER
2449	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/520,767	LAUMEN ET AL.	
	Examiner	Art Unit	
	ASHOK B. PATEL	2449	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/2/ 2009*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-62* is/are pending in the application.

4a) Of the above claim(s) *1-38* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *39-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-62 are subject to examination. Claims 1-38 have been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/21/2009 has been entered.

Response to Arguments

3. Applicant's arguments filed 10/21/2009 have been fully considered but they are not persuasive for the following reasons:

Applicant's argument:

"Specifically, *Fenton* does not teach "that may be specifically addressed by the second message service provider as a result of processing the message or a response to the message.

Examiner's response:

Fenton teaches at para. [0119], "The STD 11 "From:" header is determined by the mail user agent, or, in this case, the MMS User Agent. This corresponds to the multimedia message "Sender address", as set by the MMS User Agent or MMS Relay/Server."

RFC 822 teaches wherein a message contains at least a first header field which includes a reference to a specific network element of the first message service provider which was involved in processing the message, as recited in Claim 39 and similarly recited in Claim 49."

However, for further supporting the fact that RFC 822 teaches the limitation including "return-path" in question, Examiner would like to present the following reference, Srivastava et al. (US 6,374,292), stating the teachings of RFC 822.

Srivastava et al. (US 6,374,292) teaches Col. 6, line 56-col. 7, line 4, "The header lines of the message follow the envelope whose format is mandated by RFC 822. It should be noted that there may be any number of message header lines; the message header formed by this collection of header lines is terminated by a single blank line after which follows the message body. An Internet mail message starts with one or more headers. Each header is composed of a field name followed by a colon then a value which can be generated by, for example, the composer of a message or the mail client. A transfer unit can also add headers to a message. Each transfer unit that accepts a message adds a received header to that message. The last transfer unit to accept the message and to actually deliver the message to the message store adds a return-path header. The received and return-path headers provides information that enables you to trace the routing path taken by the message if a problem occurs."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 39-62 are rejected under 35 U.S.C. 103(a) as being Unpatentable over Fenton et al. (hereinafter Fenton) (US 2003/0193967 A1) in view of in view of RFC 822.

Referring to claim 39,

Fenton teaches a method for transmission of messages, comprising:

transmitting a message from a first message service provider to a second message service provider (Figs. 10 and 11), and

evaluating the message at the second message service provider (para. [0099]),

wherein the message contains at least a first header field which includes a reference to a specific network element of the first message service provider which was involved in processing the message (para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118]).

Keeping in mind the teachings of Fenton in para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118], Fenton teaches the practice of RFC 822 in it's system as indicated in Figs 10 and 11.), Fenton specifically fails to indicate, "that may be specifically addressed by the second message service provider as a result of processing the message or a response to the message."

RFC 822 already teaches "that may be specifically addressed by the second message service provider as a result of processing the message or a response to the message" at

"4.3.1. RETURN-PATH

This field is added by the final transport system that delivers the message to its recipient. The field is intended to contain definitive information about the address and route back to the message's originator.

Note: The "Reply-To" field is added by the originator and serves to direct replies, whereas the "Return-Path" field is used to identify a path back to the originator.

While the syntax indicates that a route specification is optional, every attempt should be made to provide that information in this field."

Thus, it would have been recognized by one of ordinary skill in the art that applying the known technique taught by RFC 882 to the MMS Relay/Servers of Fenton would have yielded predicable results and resulted in an improved system, namely, a system that would have a T"RETURN PATH field be added by the final transport system that delivers the message to its recipient, wherein the field is intended to contain definitive information about the address and route back to the message's originator. Moreover, RFC 822 compels that "While the syntax indicates that a route specification is optional, every attempt should be made to provide that information in this field."

Referring to claim 40,

Fenton teaches a method in accordance with Claim 39, further comprising transmitting the message from the second message service provider to a network element outside a service environment with the message containing at least a second header field which features a reference to at least one network element of the second message service provider which was involved in the processing of the message (para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118]).

Referring to claim 41,

Fenton teaches a method in accordance with Claim 40, wherein the message, on transmission from the second message service provider to the network element outside a service environment contains the first header field which features a reference to at least one network element of the first message service provider which was involved in the processing of the message (para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118]).

Referring to claim 42,

Fenton teaches a method in accordance with Claim 40, further comprising transmitting the message from the network dement outside the service environment back via the second message service provider to the first message service provider, with the reference(s) set from the fast and/or second header field being resolved in each return transmission step (para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118]).

Referring to claim 43,

Keeping in mind the teachings of Fenton in para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118], Fenton teaches the practice of RFC 822 in it's system as indicated in Figs 10 and 11.), Fenton **specifically fails to indicate** the method in accordance with Claim 39, wherein the reference further includes a specification of a return path.

RFC 822 already teaches at

"4.3.1. RETURN-PATH

This field is added by the final transport system that delivers the message to its recipient. The field is intended to contain definitive information about the address and route back to the message's originator.

Note: The "Reply-To" field is added by the originator and serves to direct replies, whereas the "Return-Path" field is used to identify a path back to the originator.

While the syntax indicates that a route specification is optional, every attempt should be made to provide that information in this field."

Thus, it would have been recognized by one of ordinary skill in the art that applying the known technique taught by RFC 882 to the MMS Relay/Servers of Fenton would have yielded predicable results and resulted in an improved system, namely, a system that would have a T"RETURN PATH field be added by the final transport system that delivers the message to its recipient, wherein the field is intended to contain definitive information about the address and route back to the message's originator. Moreover, RFC 822 compels that "While the syntax indicates that a route

specification is optional, every attempt should be made to provide that information in this field."

Referring to claim 44,

Fenton teaches a method in accordance with Claim 39, wherein the transmitted message is evaluated after arrival at the second message service provider from a switching node (para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118])..

Referring to claim 45,

Fenton teaches a method in accordance with Claim 39, wherein the functionality of the message is evident from at least one header field (para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118], Tables 19-33).

Referring to claim 46,

Fenton teaches a method in accordance with Claim 44, wherein the switching node determines, as a function of a header field, to which network element in the second message service provider the message will be relayed (para. [0018], [0033], [0034], [0070], [0071], [0099], [0117], [0118], Tables 19-33).

Referring to claim 47,

Fenton teaches a method in accordance with Claim 41, wherein a switching node is embodied as a self-contained network element (Fig. 11, element 1004 and 1014).

Referring to claim 48,

Fenton teaches a method in accordance with Claim 41, wherein a switching node is integrated into a relaying means (Fig. 11, element 1004 and 1014).

Referring to claim 49,

Claim 49 is a claim to a system for transmission of messages in accordance with the method of claim 39. Therefore claim 49 is rejected for the reasons set forth for claim 39.

Referring to claim 50,

Claim 50 is a claim to a system for transmission of messages in accordance with the method of claim 40. Therefore claim 50 is rejected for the reasons set forth for claim 40.

Referring to claim 51,

Claim 51 is a claim to a system for transmission of messages in accordance with the method of claim 41. Therefore claim 51 is rejected for the reasons set forth for claim 41.

Referring to claim 52,

Claim 52 is a claim to a system for transmission of messages in accordance with the method of claim 42. Therefore claim 52 is rejected for the reasons set forth for claim 42.

Referring to claim 53,

Claim 53 is a claim to a system for transmission of messages in accordance with the method of claim 43. Therefore claim 53 is rejected for the reasons set forth for claim 43.

Referring to claim 54,

Claim 54 is a claim to a system for transmission of messages in accordance with the method of claim 44. Therefore claim 54 is rejected for the reasons set forth for claim 44.

Referring to claim 55,

Claim 55 is a claim to a system for transmission of messages in accordance with the method of claim 45. Therefore claim 55 is rejected for the reasons set forth for claim 45.

Referring to claim 56,

Claim 56 is a claim to a system for transmission of messages in accordance with the method of claim 46. Therefore claim 56 is rejected for the reasons set forth for claim 46.

Referring to claim 57,

Claim 57 is a claim to a system for transmission of messages in accordance with the method of claim 47. Therefore claim 57 is rejected for the reasons set forth for claim 47.

Referring to claim 59,

Fenton teaches a system in accordance with Claim 49, wherein the system includes a mobile radio terminal (Fig 10, elements 1008, 1006, 1018 and 1016).

Referring to claim 60,

Fenton teaches a method in accordance with Claim 39, further including using a mobile radio terminal (Fig 10, elements 1008, 1006, 1018 and 1016).

Referring to claim 61,

Fenton teaches a system in accordance with Claim 49, wherein the system includes a Transceiver (Fig 10, elements 1008, 1006, 1018 and 1016).

Referring to claim 62,

Fenton teaches a method in accordance with Claim 39, further including using a Transceiver (Fig 10, elements 1008, 1006, 1018 and 1016).

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHOK B. PATEL whose telephone number is (571)272-3972. The examiner can normally be reached on 6:30 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ashok B. Patel/
Primary Examiner, Art Unit 2449